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8

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 NATHANIEL WILLIAMS,
12 Plaintiff,
13 v.
14 TIM GARRETT, et al.,
15 Defendants.

Case No. 3:22-cv-00264-CLB

**ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO
FILE DISPOSITIVE MOTION
(First Request)**

16 Defendants Renee Baker, Tara Carpenter, Dawn Bequette, Tim Garrett, and Kara LeGrand,
17 by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R.
18 Rands, Senior Deputy Attorney General, move this Court for an extension of time to file dispositive
19 motions. (First Request). This Motion is made and based upon Federal Rules of Civil Procedure
20 6(b)(1)(A), the attached Points and Authorities, the papers and pleadings on file herein, and such other
21 and further information as this Court may deem appropriate.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. FACTUAL ANALYSIS**

24 This is a *pro se* prisoner civil rights action brought by Nathaniel Williams (Williams),
25 asserting claims arising under 42 U.S.C. § 1983. In the First Amended Complaint, Williams sued
26 multiple defendants for events that allegedly took place while he was incarcerated at Lovelock
27 Correctional Center (“LCC”). (ECF No. 5-1 at 1-3.). Williams sued Warden Tim Garrett, Associate
28 Warden Tara Carpenter, Associate Warden Kara LeGrand, Caseworker Maria Ward, Law Library

1 Supervisor D. Bequette, Warden Renee Baker, the State of Nevada, and N. Gallagher. (*Id.*).
 2 Williams brought six claims and seeks monetary, declaratory, and injunctive relief. (*Id.* at 24-42.).
 3 Williams alleges the following. In December 2019, Williams was appointed pro bono counsel in a
 4 civil-rights action in this district. (*Id.* at 2.). To demonstrate the “strength of [his] case []” and obtain
 5 advice on “other lawsuits,” Williams claims he gathered 166 pages of documents that he planned to
 6 send to his appointed counsel. (*Id.* at 2, 5.). The documents allegedly included (i) “confidential
 7 grievances” discussing “medical, dental, [and] mental health issues for which [Plaintiff] was seeking
 8 help”; (ii) “confidential reports” concerning “sexual abuse” that Williams had experienced as a child
 9 and an adult; (iii) “sensitive statements and information” about Williams’ “protective custody
 10 history” that, if revealed, would “get [him] publicly labeled a snitch/informant”; (iv) kites detailing
 11 “undisclosed contagious disease information” as well as “sexual abuse” Williams had endured while
 12 incarcerated; and (v) “identifying information such as children[’s] names, family addresses, and
 13 [Plaintiff’s] Social Security number and date of birth.” (*Id.* at 4-6.).

14 On December 18, 2019, Williams claims he sent his documents to the law library so that they
 15 could be copied and mailed to his attorney. (*Id.* at 6.). Williams argues the law library is “prohibited
 16 from making copies [of documents] that are not considered legal in some way.” (*Id.* at 20-21.). He
 17 further argues that the law library routinely copies documents containing “a significant amount of
 18 sensitive, private, and confidential information,” including medical records, “protective custody
 19 history,” legal correspondence, and “confidential reports” concerning “snitching” and “enemy
 20 information.” (*Id.* at 17-18.).

21 One day later, on December 19, 2019, Williams asserts Inmate Young approached Williams’
 22 cell door with a stack of papers in his hand. (*Id.* at 6.). Williams says he grabbed the stack and
 23 flipped through the pages, which were “neatly cut in half.” (*Id.*). He claims he quickly realized he
 24 was holding copies of the documents he had sent to the law library the day before. (*Id.*). Young
 25 allegedly explained that he had received the documents from a Muslim inmate, who told him that the
 26 LCC “school” had been using the documents as scratch paper. (*Id.*). Young also reportedly said that,
 27 according to the Muslim inmate, “other inmates were trying to return to the rightful inmates’ papers
 28 being handed out as scratch paper at the school.” (*Id.*).

1 Williams alleges he tried to discuss this with his caseworker, but was told “it no longer
 2 matter[ed], because the law library already knew of the matter, [and] it was an old issue.” (Id. at 8.).
 3 The Caseworker explained that she had just spoken to Bequette, the law library supervisor.
 4 According to Williams, Bequette had told her that “bad copies” of documents—i.e., “pages with
 5 lines, marks, or other copy machine errors”—went to a “junk pile to be sorted,” with “confidential
 6 papers” going to the shredder. (Id. at 8, 26.). “Inmate workers” were responsible for “separat[ing] the
 7 papers in the junk piles so that confidential papers [were] shredded and junk papers [were]
 8 recycled.” (Id. at 13.). Once the sorting was complete, the law library sent its “junk piles” to “school
 9 classrooms,” where inmates used the “recycled” documents as scratch paper. (Id. at 8.). According to
 10 Bequette, Williams’ confidential documents ended up as scratch paper because “bad copies” of the
 11 documents “were not shredded by mistake.” (Id.).

12 His caseworker allegedly told Williams that this policy—which had been approved by
 13 Carpenter, Baker, Garrett, Gallagher, and LeGrand—was designed to “save a buck” for the NDOC.
 14 (Id. at 8, 12-13.). She then allegedly “dismissed” Williams, saying that “they apologized” and he
 15 would “have to live with it.” (Id. at 8.). Williams claims he then asked the caseworker to make sure
 16 that no other copies of his “personal documents” were lying around, but she “refused to take further
 17 action.” (Id.).

18 Shortly after this incident, Williams claims he began to experience “hostile treatment” from
 19 his fellow inmates. (Id. at 11.). Some inmates “taunted” Williams about “private undisclosed
 20 medical facts, mental health issues, [Prison Rape Elimination Act] complaints, [and] confidential
 21 reports.” (Id.). Other inmates called him a “snitch” and threatened him. (Id. at 11, 13.). On one
 22 occasion, he claims a group of inmates threw “a cup with liquid” at him. (Id. at 13.).

23 Sometime later, Williams claims he “verbally challenged” Bequette about the law library’s
 24 scratch-paper policy. (Id. at 13.). Inmates who worked in the law library allegedly told Williams that
 25 Bequette had “complained to them about [his] grievances and how it [could] get all of them in
 26 trouble.” (Id.). Bequette also reportedly told the “workers” that Williams was “pushing the issue.”
 27 (Id. at 14.). As a result, Williams claims to have experienced “additional ostracism, threats, and
 28 labels of ‘snitch.’” (Id.). Some inmates asked Williams to “stop pressing the issue” and “telling on

1 them.” (Id.). Williams alleges the law library eventually ended the policy of “providing scratch paper
 2 to the school for the inmates.” (Id.).

3 Based on these allegations, Williams asserted (i) a Fourteenth Amendment right-to-privacy
 4 claim, (ii) a First Amendment claim for interference with outgoing legal mail, (iii) an Eighth
 5 Amendment claim for deliberate indifference to inmate safety, and (iv) several state-law tort claims.
 6 (Id. at 24-41.) In screening, Williams was allowed to proceed on the Fourteenth Amendment right-
 7 to-privacy claim against Defendants Bequette, Carpenter, Baker, Garrett, Gallagher, and LeGrand.
 8 He was also allowed to proceed on the First Amendment claim for mishandling of outgoing legal
 9 mail against Defendants Bequette, Carpenter, Baker, Garrett, Gallagher, and LeGrand. Finally, he
 10 was allowed to proceed on the Eighth Amendment claim for deliberate indifference to inmate safety
 11 against Defendants Bequette, Carpenter, Baker, Garrett, Gallagher, and LeGrand.

12 On June 23, 2023, this Court issued a Scheduling Order, (ECF No. 29). Then, on November
 13 30, 2023, after Defendants responded to Williams’ second amended complaint, this Court issued an
 14 order extending discovery and ordered that dispositive motions must be filed no later than
 15 Wednesday, April 17, 2024. (ECF No. 40). The Defendants have begun to draft their dispositive
 16 motion. However, Counsel is preparing for a Jury trial to begin April 15, 2024, in Case No. 3:19-cv-
 17 00063-MMD-CLB, *Hammons v. Dante*. Due to the trial and preparation for the trial, Counsel will
 18 not be able to properly prepare the necessary dispositive motion. Therefore, Counsel requests an
 19 additional 30 days to file the dispositive motion.

20 **II. LEGAL ANALYSIS**

21 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

22 When an act may or must be done within a specified time, the court may,
 23 for good cause, extend the time: (A) with or without motion or notice if
 24 the court acts, or if a request is made, before the original time or its
 extension expires; or (B) on motion made after the time has expired if the
 party failed to act because of excusable neglect.

25 Further, the Local Rules of Practice require a showing of good cause for a request made within 21
 26 days of the subject deadline. LR 26-3. Finally, this Court noted in the November 30, 2023, extension
 27 that “[n]o further extensions of time will be granted absent extraordinary circumstances.” ECF No.
 28 40 at 1:23.

1 Good cause exists to grant the requested extension of time, which is filed within 21 days of
2 the subject deadline. Defendants' request for a brief extension of time will not hinder or prejudice
3 Plaintiff's case but will allow for a thorough opportunity to file a complete dispositive motion. The
4 requested extension of time should permit the Defendants time to adequately gather the required
5 declarations and prepare the motion. Defendants assert that the requisite good cause is present to
6 warrant the requested extension of time. Further, extraordinary circumstances exist for the extension
7 based on the upcoming trial noted in paragraph I *supra*. In light of this situation, it is respectfully
8 asserted that a short extension is warranted. Therefore, a 30-day extension is requested. This is
9 Defendants first request to extend any deadline established in the November 30, 2023, scheduling
10 order.

11 **III. CONCLUSION**

12 Defendants asserts that the requisite good cause and extraordinary circumstances are present
13 to warrant the requested extension of time. Therefore, Defendants request an extension to file his
14 dispositive motion. The Defendants request an extension of 30 days, or to **Friday, May 17, 2024**, to
15 file their dispositive motion.

16 DATED this 12th day of April, 2024.

17 AARON D. FORD
18 Attorney General

19 By: /s/ Douglas R. Rands
20 DOUGLAS R. RANDS, Bar No. 3572
21 Senior Deputy Attorney General

22 *Attorneys for Defendants*

23 **ORDER**

24 The deadline for Defendants to file a dispositive motion is now Friday, May 17, 2024.
25 **IT IS SO ORDERED.**

26 **DATED:** April 15, 2024.

27 
28 _____
 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on April 12, 2024, I electronically filed the foregoing, Defendants' Motion for Extension of Time to File Dispositive Pleading (First Request), via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada, addressed to the following:

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